

STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL



BILL SCHUETTE
ATTORNEY GENERAL

P.O. Box 30755
LANSING, MICHIGAN 48909

February 28, 2013

Ramon C. Mendoza, OSC
USEPA Region 5 SE-5J
77 West Jackson
Chicago, IL 60604

Re: Completion of Work under AOC and Post-Removal Site Control
Allied Paper, Inc./Portage Creek/Kalamazoo River Superfund Site
Administrative Agreement and Order on Consent for Removal Action for the
former Plainwell Impoundment, Docket No. V-W-07-C-863, Feb. 21, 2007
(AOC)

Dear Mr. Mendoza:

As the three-year anniversary of the U.S. EPA's issuance of the Notice of Completion of Work for the Plainwell Impoundment Time-Critical Removal Action (TCRA) approaches, Georgia-Pacific LLC has initiated requests to schedule the on-Site inspection at the Plainwell Impoundment that is a component of the Work required under paragraph 15(h) of the AOC. The Michigan Department of Natural Resources (MDNR), on behalf of the State, recently responded to an electronic message seeking to schedule the on-Site inspection, noting that there is no deadline for the inspection in the AOC, and suggesting a poll to find a workable -- and safe -- time and date for an in-river inspection.

The State will work with the parties to the AOC to find a date and time for the on-Site inspection required under the AOC, but reserves its rights to evaluate conditions within the Plainwell Impoundment Area based on the actual, observed conditions on Site, and does not view its participation in the inspection as any kind of conclusion or position regarding the Work or its sufficiency under the AOC.

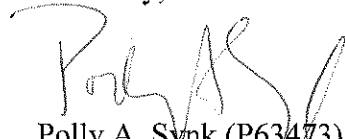
The design and implementation of the Work to date within the Impoundment Area did not achieve a stable river channel, nor are the river banks stable. To address the instability of the banks, additional rock has been added to the banks in Areas 4A, 6B, 7B, 8B, and 9B and repairs to the existing rock have been made at the former dam site. The addition of rock to these areas has redirected the energy of the river to the remaining unrocked areas, and caused increased erosional stresses. Ultimately, still more rock will likely be required in the remaining soft banks of the river in the Plainwell Impoundment Area at some point in the future. The expectation that additional erosion is likely in Area 10A near the pipeline crossing has led the State to conclude that rock must be placed on the banks in this area to avoid more erosion that could compromise the stability of the banks and the pipeline facility. The reversion to hard-engineered banks inevitably results in a loss of habitat, resource services, and ecological function, but since

February 28, 2013

previous response activities have resulted in a channel that is unnaturally narrow, the resulting potential instability creates too great a risk of erosion that could re-expose PCB residuals and reestablish a connection to the Kalamazoo River. These concerns are not the State's alone: U.S. EPA recently commented that future bank and floodplain soil erosion in the former Plainwell Impoundment has not been adequately evaluated in terms of whether the Work prevents transport of PCBs from bank and floodplain soils into the river, and that the channel is still "in the process of reaching a new equilibrium." (February 5, 2013 letter and enclosed comments from U.S. EPA on the Area 1 Feasibility Study, from James A. Saric to Michael J. Erickson, general comments #11, #13). Therefore, the State of Michigan reiterates its request from October 26, 2012 that Georgia-Pacific place rock at area 10A near the pipeline crossing as part of the Work required under the AOC.

The State continues to be concerned about the risks of erosion in the Plainwell Impoundment Area that go beyond the erosion that would naturally occur in a natural river design. These risks will exist in both rocked and unrocked bank areas. Because of these concerns about the potential for the re-exposure of PCB-containing residuals to the Kalamazoo River Environment, the State will work with the other parties to ensure that the objectives of the AOC are met and that the tasks required under the Work Plan for the TCRA are completed. We look forward to working with you to make the removal action at the Plainwell Impoundment Area as efficient and effective as possible. Thank you for your attention to this matter.

Sincerely,



Polly A. Synk (P63473)
Assistant Attorney General
Environment, Natural Resources,
and Agriculture Division
(517) 373-7540

PAS/wjc

cc: Garry Griffith, Georgia-Pacific (via e-mail)
Michael J. Erickson, ARCADIS (via e-mail)
Jim Saric, U.S. EPA (via e-mail)
Sam Borries, U.S. EPA (via e-mail)
Janet Carlson, U.S. EPA ORC (via e-mail)
Nicole Wood-Chi, U.S. EPA ORC (via e-mail)
Robert Wagner, DEQ (via e-mail)
David Kline, DEQ (via e-mail)
Paul Bucholtz, DEQ (via e-mail)
Daria Devantier, DEQ (via e-mail)
Sharon Hanshew, DNR (via e-mail)